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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Algeria

1. At its 1216th and 1217th meetings, held on 4 and 5 August 1997, the Committee on the Elimination of Racial Discrimination considered the eleventh and twelfth (consolidated) periodic reports of Algeria (CERD/C/280/Add.3) and adopted, at its 1235th meeting, held on 18 August 1997, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party and for the additional information that the State party's delegation provided during its oral presentation. However, the Committee regrets that the report does not fully comply with the reporting guidelines and that it fails to provide concrete information on the implementation of the Convention in Algeria and on the actual enjoyment by the population of its rights.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that Algeria has to face economic, social and political challenges, and it is experiencing economic and social problems which might have a negative impact on the situation of the population and which impede the full enjoyment of economic and social rights.

4. The Committee also notes that the climate of violence which has been in existence in Algeria since 1989, and severely affects the civilian population, is an additional and serious obstacle to the full implementation of the Convention.

C. Positive aspects

5. The Committee warmly appreciates the efforts of the State party to implement the Convention under adverse circumstances.

6. It is noted with great appreciation that the State party has made a declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

7. The Committee welcomes the fact that, in accordance with article 123 of the Constitution, international instruments, such as the Convention, that have been ratified, promulgated and implemented by Algeria are part of the State party's domestic law and take priority over norms of domestic law that contradict them.

8. The setting up of the National Cultural Council in 1990, the establishment in 1992 of the National Human Rights Observatory and the establishment of the Office of the High Commissioner on Amazighe Status in 1995, as well as the restructuring of the Amazigh language to make instruction in this language in schools and universities possible, is noted with appreciation.

9. The Committee notes with appreciation that education at all levels is free, as is public health care.

D. Principal subjects of concern

10. Concern is expressed over the insufficiency of information on the ethnic composition of the population of Algeria, which makes it difficult to identify vulnerable groups and to evaluate activities intended for their benefit.

11. Although the periodic report contains information on legislative measures, the Committee regrets the lack of information on judicial, administrative or other measures adopted by the State party to give effect to the provisions of the Convention.

12. Although article 28 of the Algerian Constitution provides for non-discrimination, together with equality before the law and equal protection of the law without discrimination, the Committee is concerned about the failure of the Government to incorporate the prohibition of "racial discrimination" in its domestic law, in accordance with the Convention.

13. Concern is expressed that the State party has not fulfilled all the requirements of article 4 (a) and (b) of the Convention.

14. It is also noted with concern that the lack of information in the report on the implementation of article 5 of the Convention makes it difficult for

the Committee to evaluate the situation with regard to the enjoyment of civil, political, economic, social and cultural rights by the population in Algeria, and in particular by members of the various ethnic groups.

15. The lack of comprehensive information on instances where complaints are lodged by individuals alleging acts of racial discrimination and on compensation paid to victims of such acts makes it difficult to assess whether the provisions of article 6 of the Convention are implemented effectively in Algeria.

16. While the statement made by the delegation of the State party regarding human rights training of judges and law enforcement officials, as well as human rights education at the university level, is welcomed, the information in the written report does not enable the Committee to evaluate the extent and impact of such programmes.

E. Suggestions and recommendations

17. The Committee recommends that the State party describe in its next periodic report all the legislative, judicial, administrative or other measures which give effect to the provisions of the Convention, in accordance with article 9 of the Convention.

18. The Committee recommends that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination, in accordance with the Convention.

19. The Committee reiterates its recommendation, made during the consideration of the tenth periodic report, that the State party provide the information on the composition of the population requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of the ethnic groups, including the Berbers. Such information is essential for the Government itself to detect possible patterns of discrimination and for the Committee to monitor effectively the implementation of the Convention. In this connection, the Committee draws the attention of the Government of Algeria to its General Recommendation IV and suggests that the State party take into consideration its General Recommendation VIII concerning the identification of members of particular racial or ethnic groups.

20. The Committee stresses that the provisions of article 4 of the Convention are mandatory and should be fully implemented, as stated in its General Recommendation VII. In order to prevent the dissemination of racist ideas and incitement to racial hatred, the Committee recommends that the State party comply fully with its obligations under article 4 of the Convention and, in particular, declare illegal and prohibit any organization which promotes or incites racial discrimination. Due account should be taken of the Committee's General Recommendation XV.

21. The Committee recommends that the enjoyment by everyone without discrimination of the rights listed in article 5 of the Convention be ensured, in particular the right to security of person and protection against violence or bodily harm (art. 5 (b)). In connection, with article 5 (e) of the

Convention, adequate indicators and other means of monitoring the economic and social conditions of the ethnic groups should be developed. In that regard, the Committee recommends that the State party provide, in the next periodic report, fuller information on the protection of the rights to work, housing and education from discrimination on grounds of ethnic origin, contained in article 5.

22. The Committee recommends that the next periodic report of the State party contain all available information on complaints and court cases relating to acts of racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

23. The Committee recommends that the Government of Algeria continue and strengthen its human rights training activities for judges, lawyers and magistrates and put special emphasis on education and sensitization programmes about the provisions of the Convention, in accordance with article 7 of the Convention. This type of training should also be provided to law enforcement officials and members of the armed forces. Due account should be taken of the Committee's General Recommendation XIII.

24. The Committee recommends that the State party launch an effective information campaign in order to inform and educate all sectors of society on the provisions of the Convention and inform them of the remedy available under article 14 of the Convention. Additionally, the State party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

26. The Committee recommends that the State party's next periodic report be a comprehensive report and address all the concerns expressed by the Committee.